IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Bail Appl..No. 2214 of 2007(M)

CRIME NO. 538 OF 1998 OF KASARAGOD POLICE STATION

.....

PETITIONER/ACCUSED.

MUHAMMED, S/O. MOIDHEEN KUTTY,
PAKSHIGERE, KAPPIKKADU, D.K.MANGLORE,
KARNATAKA.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS: COMPLAINANT & STATE.

1. STATE- REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
KASARGOD POLICE STATION, KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 2214 of 2007

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Dated, this the 12th day of April 2007

ORDER

Petitioner who is the first accused in Crime No. 538/98 of Kasaragod Police Station for an offence punishable under Sec. 379 I.P.C. in respect of a jeep worth Rs.3,50,000/-, seeks his enlargement on bail.

2. Consequent on his non-appearance in C.C. 267/2000 on the file of the Judl. First Class Magistrate-I, Kasaragod, the case against him was split up and re-filed as C.C. 466 of 2003. As his presence could not be secured even after repeated warrants, the case against him was transferred to the Long Pending Case Register as L.P.C. 50 of 2004. Subsequently, he was arrested on 23-3-2007 and the case against him was re-registered as C.C. 288 of 2007.

3. The learned counsel for the petitioner would submit that the petitioner had not received summons from the court and that it was only when proceedings under Secs. 82 and 83 of Cr.P.C. was initiated against his properties that he came to know that the pendency of the case for the first time.

4. I am not inclined to accept the above arguments. The

learned Magistrate was not inclined to grant bail on the ground that the petitioner had fled from justice and his attendance could not be procured even after repeated warrants. I see not reason to grant bail to the petitioner. Accordingly, this petition is dismissed directing the Magistrate to expedite the trial of the case.

V. RAMKUMAR,
(JUDGE)

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